

REMARKS

Claims 69, 75-78, 80-81, 83-96, 98-106, 108, and 110-126 are amended, no claims are canceled, and no claims are added; as a result, claims 69-135 remain are now pending in this application.

Information Disclosure Statement

We enclose a copy of the published PCT specification WO99/21336 and a copy of the International Search Report for the examiner's convenience. All of the prior art documents cited in the International Search Report have been submitted in the IDS received at the US Patent and Trademark Office on 27 July 2000.

Specification Amendments

The specification is amended to clarify its recitation supporting the present invention. Support for the amendment to the paragraph beginning at page 2, line 16 is found on at least page 3, lines 20-27 and original claims 37-38. Support for the amendment to the paragraph beginning at page 2, line 19 is found on at least the originally filed claims, page 4, line 22 through page 5, line 4 and page 12, lines 22-26. The amendment to the paragraph beginning at page 4, line 14 is intended to clarify the meaning of the paragraph. The amendment to the paragraph beginning at page 6, line 24 is made to correct a grammatical error. The amendment to the paragraph beginning at page 16, line 1 is found in the originally filed claims and conforms the specification to other statements regarding embodiments of the invention.

§112 Rejection of the Claims

Claims 69-135 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant submits that the claim as originally presented meets the statutory requirements of 35 USC § 112, first paragraph as the claim is supported by the specification. Nonetheless, Claim 69 has been amended to more clearly set forth and define the claimed inventive subject

matter. Claim 69 now defines the additional step of “automatically configuring said communication apparatus for communication using initial configuration data stored in said communication apparatus”. This step clearly defines that the communication apparatus is configured for communication using the stored initial configuration data. It is submitted that it is clear from Claim 69 and from the specification that the configuration data is data for configuration of the communication apparatus for communication over a communication network. On page 3 of the specification at lines 7 to 27 it is clearly described that the apparatus requires configuration to access a service. For example, as stated at lines 24 to 27, the initial configuration data can comprise a telephone number for automatic connection to the remote configuration system. Further, in the specific embodiment described at page 12 lines 5 to 14, the configuration data is described as including a telephone number to connect to a service provider, a username and password, and other correction parameters required for communication between the router and the service provider. Further, on page 13 at lines 1 and 2 the correction parameters are described as comprising, for example, a telephone number for the service provider and the data rate. Also, on page 14 line 23 to page 15 line 6, the description of the specific embodiment refers to three levels of configurations which require configuration parameters for the hardware of the router, configuration parameters specific to the provider’s service and parameters specific to the requirements of the user.

Claim 69 has also been amended to clarify that the configuration data for the communication apparatus is determined at the configuration system dependent upon the unique identification number which is transmitted from the communication apparatus to the configuration system. Thus in this way configuration data specific to the communication apparatus can be determined and transmitted to the communication apparatus for reconfiguring the apparatus.

In the light of the amendments made to Claim 69 it is submitted that Claim 69 is in accordance with 35 USC 112. Withdrawal of the Section 112 rejection is requested.

Claims 70 to 74 are dependent on Claim 69 and it is thus submitted that in light of the comments hereinabove these claims are in accordance with 35 USC 112.

With regard to Claim 75, this claim has been amended to remove an improper claim dependency. In this claim it is stated that the storage stores configuration data for configuring

the operation of the apparatus to access said service over said communication network. In light of the supporting description in the specification as outlined hereinabove, it is thus submitted that Claim 75 is in accordance with 35 USC 112, first paragraph. Reconsideration is requested.

Claims 76 to 93 are dependent upon Claim 75 and therefore in the light of the arguments hereinabove it is submitted that these claims are in accordance with 35 USC 112.

Claim 94 has been amended to remove an improper claim dependency. In this claim it is stated that the storage stores configuration data for the operation of the communication apparatus to access said service. In the light of the support in the description as outlined hereinabove it is submitted that Claim 94 is in accordance with 35 USC 112. Reconsideration is requested.

Claims 95 to 104 are dependent upon Claim 94 and thus it is submitted that these claims are in accordance with 35 USC 112. Claims 101 to 104 have been amended to make a minor correction.

Claim 105 has been amended to remove an improper claim dependency. This claim is directed to a configuration system for connection to the communication apparatus according to Claim 75. The configuration system uses the received unique identification information to determine initial configuration data for the communication apparatus for transmission to the communication apparatus and to automatically determine updated configuration data for transmission to the communication apparatus. In the light of the supporting description and as outlined above, it is submitted that Claim 105 is in accordance with 35 USC 112.

Reconsideration is requested.

Claims 106 to 112 are dependent upon Claim 105 and it is thus submitted that these claims are in accordance with 35 USC 112.

Claim 113 is directed to an apparatus for interfacing a computer system to a communication line to access a service. Information on the use made of the service by the computer system is gathered and processed to generate processed information which is transmitted to a remote management system. This claim does not refer to configuration data and thus the rejection under 35 USC 112 is believed to be improper. Reconsideration is requested.

Claims 114 to 120 are dependent upon Claim 113 and thus are in accordance with 35 USC 112.

Claim 121 is directed to an apparatus for communicating with a remote system over a

network to access a service in which information on the use made of the service by the apparatus is gathered and processed to generate processed information which is transmitted to a remote management system. Claim 121 does not refer to using initial configuration data and thus the claim rejection by the Examiner under 35 USC 112 is believed to be improper. Clarification or withdrawal of the rejection is requested.

Claims 122 to 126 are dependent upon Claim 121 and thus are in accordance with 35 USC 112.

Claim 127 defines a method of monitoring communications between a communication apparatus and a remote system over a network to access a service in which information on the use of the service by the communication apparatus is gathered and processed to generate processed information which is transmitted to a remote management system. Claim 127 does not use initial configuration data and thus the claim rejection under 35 USC 112 is believed to be improper. Reconsideration is requested.

Claims 128 and 129 are dependent upon Claim 127 and thus are in accordance with 35 USC 112.

Claims 130 to 134 refer to the communication apparatus being in accordance with a first configuration condition for transmitting unique identification information to a remote configuration system for obtaining first reconfiguration data from the remote configuration system for reconfiguration of the communication apparatus in a first reconfiguration condition. Second reconfiguration data is received and the communication apparatus is further reconfigured to place the communication apparatus in a second reconfigured condition to permit the communication apparatus to perform communication processes over the network in accordance with the second reconfiguration condition. In the light of the support in the description for the configuration data, it is submitted that the purpose of the configuration data is clear and supported by the specification. It is thus submitted that the claims are in accordance with 35 USC 112. Reconsideration and withdrawal of the Section 112 rejection is requested.

Claim 135 defines a process for enabling configuration of a plurality of reconfigurable communication devices operable for performing communication operations over a network. Minor amendments have been made to Claim 135 to correct a typographical error. At a server means a plurality of different first reconfiguration data relating to different communication

devices is stored. When a unique identification data is received from a communication device first reconfiguration data is transmitted to the communication device to place the communication device in a first reconfiguration condition defined by the first reconfiguration data. Subsequently the server means can transmit secondary reconfiguration data to the communication device to cause the communication device to be further reconfigured into a second reconfiguration condition in accordance with the second reconfiguration data. In the light of the support in the specification for the definition of configuration data and in the light of the clear purpose of the configuration data defined in Claim 135, it is submitted that Claim 135 is in accordance with 35 USC 112. Reconsideration and withdrawal of the Section 112 rejection is requested.

§102 Rejection of the Claims

Claims 69-71, 75-78, 80-88, 91 and 92 were rejected under 35 USC § 102(b) as being anticipated by Farese et al. (U.S. Patent No. 4,996,685). Applicant respectfully traverses.

Amended Claim 69 defines a method of remotely configuring communication apparatus for communication over a network to access a service. The communication apparatus is automatically configured for communication using initial configuration data stored in the communication apparatus and a remote configuration system is communicated with using the initial configuration data to send unique identification information in order to retrieve subsequent configuration data for reconfiguring the communication apparatus for subsequent communications. Farese et al (US 4996685) in contrast discloses a technique for dynamic allocation of D or B channels for communication in an ISDN communication system. In Farese a broker PC 50 controls the dynamic allocation of a B or D channel of communication between a user site and a host site. When a user executes a host application that has stringent delay requirements, the host computer generates a command to the broker to initiate a transition of the ISDN communication channel from D to B. Thus there is a dynamic change in response to commands from the host site.

In the Office Action the Examiner identifies configuration data as comprising the X.25 incoming call packet 430. This is not configuration data used for configuration of the communication apparatus for communication. The X.25 incoming call packet 430 in Farese

merely comprises data transmitted from the user site. Applicant can not find where Farese teaches or suggests that the X.25 incoming call packet 430 is configuration data. Specifically, applicant can not find where Farese teaches configuration function for the communication apparatus, i.e. the user site.

The Examiner identifies the unique identification information as compromising the login prompt Ethernet LAN packet 490 in Farese. As is clear from Figure 4, the login prompt is a communication from the host site to the user site and is thus not a transmission from the communication apparatus to the configuration system: communication is in the wrong direction. Further, even if the communication were in the right direction, the login procedure is not concerned with the determination of configuration data for the communication apparatus. In Claim 69 it is defined that the configuration system determines configuration data for the communication apparatus in dependence upon the unique identification information.

The Examiner also refers to the determination of configuration data at the configuration system as residing in the X.25 data transfer state 503, the Q.931 active state 505, and the Ethernet LAN packets 507 in Figure 5 of Farese. However, this communication sequence in Farese is not at all concerned with the determination of configuration data. It is merely concerned with the setting up of a steady state B channel configuration for communication between the user site and the host site. The Examiner further refers to the storing of configuration data as residing in the communication sequence 620, 630. However, this merely comprises the communication of a command to move a host session from the D channel to the B channel. Applicant can not find a transmission of configuration data from the host session for use in the configuration of the user site in Farese. Hence, there is no storage of such configuration data. Further, Applicant can not find controlling of the communication apparatus using the newly stored configuration data. In Farese the command from the host site merely causes the switching of communications between the B and D channels in an ISDN communication system.

It is thus submitted that amended Claim 69 is allowable over Farese. Reconsideration is requested.

Claims 70 to 74 are dependent upon Claim 69 and believed allowable therewith.

With regard to Claim. 75, Applicant can not find where Farese discloses the storage of

configuration data for controlling communication to a remote configuration system the first time an action is made so as to receive configuration data from the configuration system, to store it and to control communications in accordance with the configuration data subsequently. Further, applicant can not find receiving subsequent configuration data automatically generated by the configuration system which is stored and used to control subsequent communications in Farese. Applicant can not find transmission of configuration data from a configuration system to communication apparatus in Farese. A broker PC in a host site responds to generated commands from the host site in order to dynamically change communications between the D and B channels. There is no reconfiguration of the communication condition of the host site.

It is thus submitted that amended Claim 75 is allowable over Farese. Reconsideration is requested.

Claims 76 to 93 are dependent upon Claim 75 and believed allowable therewith.

Amended Claim 95 defines a communication apparatus for communicating with a remote system over a network to access a service. This claim requires that the processor is controlled in accordance with the configuration data to transmit the unique identification information to a remote configuration system to receive initial configuration data which is stored and used to control the communication apparatus. Subsequent configuration data automatically generated by the configuration system is received and stored and used to control the communication apparatus for subsequent communications. In Farese the broker PC is provided in a host site to respond to commands to switch communications between D and B channels. Applicant can not find where Farese teaches or suggests transmission of configuration data and there is no reconfiguration of the configuration condition of the user site based on configuration data transmitted from the host site.

It is thus submitted that amended Claim 94 is allowable over Farese.

Claims 95 to 104 are dependent upon Claim 94 and believed allowable therewith.

Amended Claim 105 defines a configuration system for connection to the communication apparatus according to Claim 75. The configuration system receives unique identification information from the communication apparatus and determines initial configuration data for the communication apparatus. This initial communication data is transmitted to the communication apparatus. Updated configuration data is determined automatically and transmitted to the

communication apparatus for reconfiguration of the communication apparatus for subsequent communications. Applicant can not find where Farese discloses the determination of initial configuration data and updated configuration data for a remote communication apparatus. Farese is simply concerned with channel reassignment between D and B channels in an ISDN communication system.

It is thus submitted that Claim 105 is allowable over Farese. Reconsideration is requested.

Claims 106 to 112 are dependent upon Claim 105 and believed allowable therewith.

Claim 113 defines apparatus for interfacing a computer system to a communication line to access a service in which information on the use made of the service by the computer system is gathered and processed to generate processed information which is transmitted to a remote management system. Applicant can not find these features in Farese. Specifically, applicant can not find where Farese discloses such gathering and processing of information on the use made of the service. In fact, Farese appears to be silent on any process for gathering information on and storing information on communications.

It is thus submitted that Claim 113 is allowable over Farese. Reconsideration is requested.

Claims 114 to 120 are dependent upon Claim 113 and believed allowable therewith.

Claim 121 defines an apparatus for communicating with a remote system over a network to access a service in which information on the use made of the service by the apparatus is gathered and processed to generate processed information which is sent to a remote management system. Applicant can not find these features in Farese. In fact, Farese appears to be silent on such gathering and processing of information. It is thus submitted that Claim 121 is allowable over Farese. Reconsideration is requested.

Claims 122 to 126 are dependent upon Claim 121 and believed allowable therewith.

Claim 127 defines a method of monitoring communications between a communication apparatus and a remote system over a network to access a service in which information on the use of the service by the communication apparatus is gathered and processed to generate processed information which is transmitted to a remote management system. Applicant can not find these features in Farese. In fact, Farese appears to be silent on the gathering and processing

of such information. It is thus submitted that Claim 127 is allowable over Farese.

Reconsideration is requested.

Claims 128 and 129 are dependent upon Claim 127 and believed allowable therewith.

Claims 130 to 134 refer to communication apparatus being in accordance with a first configuration condition in order to transmit unique identification information over a network to a remote configuration system to obtain first reconfiguration data which is then used to reconfigure the communication apparatus. Second reconfiguration data is received by the communication apparatus and used to place the communication apparatus in a second reconfiguration condition for subsequent communications. Applicant can not find these features in Farese. In fact, Farese appears to be silent on such reconfiguration of a communication apparatus, i.e. the user site. Farese is simply concerned with a switching of communication channels between the D and B channels in an ISDN communication system. It is not concerned with the reconfiguration of a communication apparatus by the transmission of configuration data from a configuration system. It is thus submitted that Claims 130 to 134 are allowable over Farese.

Amended Claims 135 defines a process for enabling reconfiguration of a plurality of reconfigurable communication devices. Server means stores first reconfiguration data which is transmitted to communication apparatus in response to receipt of the unique identification data. Second reconfiguration data is sent to the communication apparatus for causing the reconfiguration of the communication apparatus into a second reconfiguration condition. Applicant can not find these features in Farese. In fact, Farese appears to be silent on such reconfiguration of a communication apparatus, i.e. the user site. Farese is simply concerned with the dynamic switching of communication between D and B channels in an ISDN communication system. It is thus submitted that amended Claim 135 is allowable over Farese.

§103 Rejection of the Claims

Claims 69-78, 80-88, 90-92 were rejected under 35 USC § 103(a) as being unpatentable over Farese as applied to claims 69-71, 75-78, 80-88, 91 and 92 above, and further in view of Ashton et al. (U.S. Patent No. 6,181,679). Applicant respectfully traverses.

In his objections under 35 USC 103, the Examiner has referred to Ashton et al (US 6181679). Ashton discloses a network management system for managing a frame relay network.

Nodes in a network transmit information as vectors for management purposes. Ashton does not disclose a system in which a communication apparatus is automatically configured using initial configuration data to enable it to communicate to a remote configuration system in order to download updated configuration data for use in a reconfiguration of the communication apparatus for subsequent communications. It is thus submitted that Ashton has no relevance to Claims 69 to 112. Since Ashton does not disclose the initial configuration of a communication apparatus in order to obtain subsequent configuration data, even if Farese were modified in accordance with the teaching of Ashton, the subject matter of the invention claimed in Claims 69 to 112 would not have been arrived at. In any case, since Ashton discloses quite a different system concerned with network management in a frame relay network, there is no incentive to modify Farese in accordance with the teaching of Ashton. Notwithstanding any such modification, the invention of Claims 69 to 112 could not have been arrived at based on the disclosure in these two documents.

Claims 113 to 129 are directed to the gathering and processing of information on the use made of the service and transmission of the processed information to a remote management system. Neither Farese nor Ashton contemplate the processing of information gathered on the use made in a communication system and there is further no disclosure or contemplation of transmission of the processed information to a remote management system. It is thus submitted that Claims 113 to 129 are in accordance with 35 USC 103.

Claims 130 to 134 are concerned with the configuration of a communication apparatus in accordance with a first configuration condition in order to download reconfiguration data for the reconfiguration of the communication apparatus. Also further reconfiguration data is downloaded for the further reconfiguration of the communication apparatus in accordance with the second reconfiguration data. Thus the communication apparatus is put into a second reconfiguration condition. Neither Farese nor Ashton contemplate the reconfiguration of a communication apparatus in such a manner. It is thus submitted that Claims 130 to 134 are in accordance with 35 USC 103.

Claim 135 is concerned with a process for enabling reconfiguration of reconfigurable communication devices. At server means first reconfiguration data is stored. The first reconfiguration data is downloaded to communication devices to permit the communication

devices to be placed in a first reconfiguration condition. Second reconfiguration data is transmitted to the communication devices to put the communication devices into second reconfiguration conditions. The reconfiguration of communication devices in this manner is not disclosed or contemplated in Farese or Ashton and it is thus submitted that Claim 135 is in accordance with 35 USC 103.

Claims 69-71, 75-89, 91-93 were rejected under 35 USC § 103(a) as being unpatentable over Farese as applied to claims 69-71, 75-78, 80-88, 91 and 92 above, and further in view of Bhatia et al. (U.S. Patent No. 6,118,768). Claims 94-135 were rejected under 35 USC § 103(a) as being unpatentable over Farese, Ashton and Bhatia.

The Examiner also refers to Bhatia et al (US 6118768) in his rejections under 35 USC 103. Bhatia describes an ISDN LAN modem which includes a multi-port hub to implement a LAN and which can automatically adapt itself for connection to a workstation over the LAN. When a user using a workstation which is to configure the ISDN LAN modem to connect to a remote network, the LAN modem provides a browser based interface to allow a user of the workstation to configure the LAN in order to access the remote network. Bhatia does not disclose or contemplate the concept of remote configuration from a remote configuration system. In Bhatia the configuration is performed by the user of the workstation. There is no remote configuration station which stores configuration data which is transmitted to the communication apparatus for configuration of the communication apparatus for subsequent communications. It is thus submitted that Claims 69 to 112 and 130 to 135 are in accordance with 35 USC 103.

With regard to Claims 113 to 129, it is submitted that Bhatia does not disclose or contemplate the gathering of information on the use made of a service and the processing of the information to generate processed information for transmission to a remote management system. Bhatia does not give any consideration to the gathering or processing of communication information. It is thus submitted that Claims 113 to 129 are in accordance with 35 USC 103.

With regard to the objections raised by the Examiner to Claims 130 and 131, it is submitted that the wording of Claims 130 and 131 is not identical and both claims should be maintained. For example, Claim 130 requires "means operable on the command received from said network for:". No such limitation appears in Claim 131.

With regard to the prior art made of record and not relied upon by the Examiner, the

Applicant does not consider this to be pertinent to the claims of the present application.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-349-9587) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

JOHN SLABY ET AL.

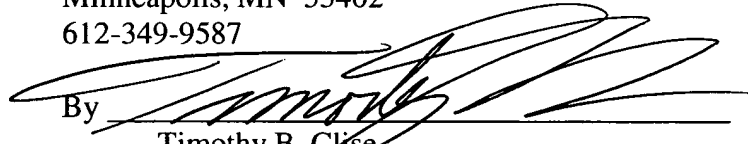
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-349-9587

Date

17 June '03

By


Timothy B. Clise
Reg. No. 40,957

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 17th day of June, 2003.

PATRICIA A. HULTMAN

Name



Signature